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Jamison v Red Drink (Australasia) Limited (Auckland) [2016] NZERA 513; [2016] NZERA Auckland 351 (14 October 2016)

Last Updated: 2 December 2016

IN THE EMPLOYMENT RELATIONS AUTHORITY AUCKLAND

[2016] NZERA Auckland 351
5639266

BETWEEN BRYCE JAMISON Applicant

AND RED DRINK (AUSTRALASIA) Limited

Respondent

Member of Authority: Eleanor Robinson

Representatives: Applicant in person

Scott McCormick, Representing the Respondent

Investigation Meeting: 29 September & 14 October 2016

Determination 14 October 2016

DETERMINATION OF THE AUTHORITY

Employment Relationship Problem

[1] The Applicant, Mr Bryce Jamison, claims that he is owed monies by the Respondent, Red Drink (Australasia) Limited (Red Drink) in respect of the termination of his employment on 27 April 2016 in the sum of \$4,555.10.

[2] Although Mr Scott McCormick, director of Red Drink, accepted Mr Jamison's claim and confirmed Red Drink's agreement to pay Mr Jamison the claimed sum of \$4,555.10 in an email dated 21 June 2016, Mr Jamison claims that he has received no payment as agreed and is owed the outstanding monies.

Failure of Applicant to attend or be represented

[3] The Investigation Meeting was set down to be held on 29 September 2016 as advised to the parties by means of a Notice of Investigation Meeting dated 21 September 2016.

[4] Neither party attended the Investigation Meeting on 29 September 2016. Mr Jamison did not attend the Investigation Meeting despite confirming to an Authority Officer on 28

September 2016 that he had not received payment from Red Drink and wished the

Investigation Meeting to proceed the following day.

[5] Mr Jamison failed to advise the Authority of the reason for his non-attendance until the Authority Officer, who had made a number of efforts to contact him without success, finally managed to make contact with him in the afternoon of 29 September 2016.

[6] At that time Mr Jamison attributed his failure to attend to an incident involving his vehicle enroute to the Authority

offices, and his failure to make contact and explain his failure to attend on a mobile telephone problem.

[7] The Authority accepted Mr Jamison's explanation at that time, and rescheduled the matter for hearing.

[8] A revised Notice of Investigation Meeting was sent to the parties, with a reminder email sent on 13 October 2016. The Investigation Meeting was rescheduled to take place this morning.

[9] Despite both Mr Jamison and the Respondent representative confirming to the Authority Officer that they would be attending the rescheduled Investigation Meeting, both failed to either attend or make contact with the Authority to explain their non-attendance.

Determination

[10] Mr Jamison was advised in the Notice of Investigation Meeting forms issued pursuant to Regulation 21 of the [Employment Relations Authority Regulations 2000](#) (the Regulations) that: "*If the Applicant does not attend the investigation meeting, the matter can be dismissed and costs may be awarded against the Applicant*".

[11] Not only did Mr Jamison fail to attend the Investigation Meeting to be held on 29

September 2016, he also failed to attend the rescheduled meeting today or make contact with the Authority to explain his non-attendance.

[12] For the reasons set out above I am satisfied that Mr Jamison had notice of the application and the dates of the Investigation Meetings and that he chose without reasonable excuse not to attend or to be represented.

[13] Accordingly I am dismissing the matter and awarding costs against Mr Jamison pursuant to Regulation 21 of the Regulations.

[14] Mr Jamison is ordered to pay costs in the sum of \$500.00 payable to the Crown. Payment is to be made within 28 days.

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Eleanor Robinson

Member of the Employment Relations Authority

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